

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

JAMES TAYLOR, Individually  
and as Administrator of the  
Estate of Elizabeth Taylor,  
Deceased, and on Behalf of the  
Wrongful Death Beneficiaries of  
Elizabeth Taylor

PLAINTIFF

v. Civil Nos. 08-5039, 08-5040

NORTHPORT HEALTH SERVICES OF  
ARKANSAS, et al.

DEFENDANTS

**ORDER**

The above numbered actions involve common questions of law and fact and all parties are agreeable to the consolidation of the actions. Accordingly, the Court orders as follows:

\* the two actions are hereby **CONSOLIDATED** pursuant to Federal Rule of Civil Procedure 42(a);

\* the United States District Court Clerk is directed to file — nunc pro tunc February 26, 2008 — the Complaint filed in Case. No. 08-5040 as a Motion to Compel Arbitration in Case. No. 08-5039;

\* all future pleadings shall be filed under one case number, **Case No. 08-5039**, and Case No. 08-5040 is hereby **DISMISSED**;

\* the initial scheduling order issued in Case. No. 08-5039 is vacated to allow the parties to first address the issue of whether the Court should compel arbitration of this action;

\* defendants shall have 45 days from the date of this order to file a brief in support of their Motion to Compel Arbitration;

\* plaintiff shall have 30 days thereafter to file a Response to the Motion to Compel Arbitration; and

\* if the Motion to Compel Arbitration is denied, a new initial scheduling order will issue at that juncture.

IT IS SO ORDERED this 13<sup>th</sup> day of March, 2008.

/S/JIMM LARRY HENDREN  
JIMM LARRY HENDREN  
UNITED STATES DISTRICT JUDGE